

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia

JANUARY TERM, 1909.

No. 1971.

614

UNITED STATES, APPELLANT,

vs.

THOMAS DALY.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED NOVEMBER 20, 1908.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

JANUARY TERM, 1909.

No. 1971.

UNITED STATES, APPELLANT,

vs.

THOMAS DALY.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

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In the Court of Appeals of the District of Columbia.

No. 1971.

UNITED STATES, Appellant,
vs.
THOMAS DALY.

a Supreme Court of the District of Columbia.

Naturalization, No. 165.

In re Naturalization of THOMAS DALY.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 *Declaration of Intention.*

Filed Jun- 30, 1906. J. R. Young, Clerk.

Circuit Court of the United States for the Southern District of New York.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Thomas Daly of 1575 Bartgate Ave. City of N. Y. being duly sworn, deposes and says that he was born in Ireland in the year one thousand eight hundred and eighty one, and emigrated to the United States, landing at the port of N. York in the State of N. York on or about the 2 day of M'ch A. D. 1903, that it is *bona fide* his intention to become a Citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatever, and particularly to the King of Great Britain and Ireland and Emperor of India of whom he is at this time a Subject.

THOMAS DALY.

Sworn to before me this 24 day of M'ch 1903.

JOHN A. SHIELDS,
Clerk of said Circuit Court.

Clerk's Office of the Circuit Court of the United States for the Southern District of New York.

I hereby certify, that the foregoing is a true copy of an Original Declaration of Intention on file and remaining of record in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said Court this 24 day of M'ch A. D. 1903.

[SEAL.]

JOHN A. SHIELDS, *Clerk*.

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Form 2205.

No. 165.

Duplicate.

[To be forwarded to the Bureau of Immigration and Naturalization.]

UNITED STATES OF AMERICA.

Department of Commerce and Labor, Bureau of Immigration and Naturalization, Division of Naturalization.

Petition for Naturalization.

Supreme Court of the District of Columbia.

In the Matter of the Petition of THOMAS DALY to be Admitted a Citizen of the United States of America.

To the Supreme Court of the District of Columbia:

The petition of Thomas Daly respectfully shows:

First. My full name is Thomas Daly.

Second. My place of residence is number 1126 7th Street, N. W., city of Washington, District of Columbia.

Third. My occupation is Bartender.

Fourth. I was born on the 17th day of January, anno Domini 1880, at County Mayo, Ireland.

Fifth. I emigrated to the United States from Liverpool, England, on or about the 18th day of February anno Domini 1903, and arrived at the port of New York, N. Y., in the United States, on the vessel * S. S. "Celtic."

Sixth. I declared my intention to become a citizen of the United States on the 24th day of March, anno Domini 1903 at New York, in the Circuit Court of the United States for the Southern District of New York.

Seventh. I am not married.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a

* If the alien arrived otherwise than by vessel, the character of conveyance or name of transportation company should be given.

polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to Edward VII, King of Great Britain and Ireland, of which at this time I am a subject, and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since the 2d day of March, anno Domini 1903, and in the District of Columbia for one year at least next preceding the date of this petition, to wit, since the 18th day of September, anno Domini 1903.

Eleventh. I have not heretofore made petition for citizenship to any court.

Attached hereto and made a part of this petition is my declaration of intention to become a citizen of the United States. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated June 30th, 1908.

THOMAS DALY.

(Signature of petitioner.)

UNITED STATES OF AMERICA,
District of Columbia, ss:

Thomas Daly, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this 30th day of June, anno Domini 1908.

[SEAL.] [Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk.*

Declaration of Intention filed this 30th day of June, 1908.

JOHN R. YOUNG, *Clerk.*

Affidavit of Witnesses.

Supreme Court of the District of Columbia.

In the Matter of the Petition of THOMAS DALY to be Admitted a
Citizen of the United States of America.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Patrick Tierney, occupation Saloon Keeper, residing at 800 26th St. N. W., Washington, D. C., and John P. Buckley, occupation Salesman, residing at 3252 O St. N. W., Washington, D. C., each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known Thomas Daly, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the District in which the above-entitled application is made for a period of at least one year immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted a citizen of the United States.

PATRICK TIERNEY.
JOHN P. BUCKLEY.

Subscribed and sworn to before me this 30th day of June, anno Domini 1908.

[SEAL.] [Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk.*

No. 46902.

Filed June 30, 1908.

In the Matter of the Petition of THOMAS DALY to be Admitted a
Citizen of the United States of America.

Oath of Allegiance.

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to Edward VII the King of Great Britain and Ireland of which I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same.

THOMAS DALY.

Subscribed and sworn to before me, in open Court, this 2 day of November, A. D. 1908.

[SEAL.]

JOHN R. YOUNG, *Clerk.*

Order of Court Admitting Petitioner.

Upon consideration of the petition of Thomas Daly, and affidavits in support thereof, and further testimony taken in open Court, it is ordered that the said petitioner, who has taken the oath required by law, be, and hereby is, admitted to become a citizen of the United States of America, this 2d day of November, A. D. 1908.

By the Court:

JOB BARNARD, *Justice.*

Appeal by the U. S. Attorney allowed.

JOB BARNARD, *Justice.*

Form 2218.

(To be pasted on the back of the petition below the order of court admitting petitioner.)

Petition No. 165.

Affidavit of Witnesses.

Supreme Court of the District of Columbia.

In the Matter of the Petition of THOMAS DALY to be Admitted a Citizen of the United States of America.

UNITED STATES OF AMERICA,

District of Columbia, ss:

George C. Montgomery, occupation Salesman, residing at 1135 9" St. N. W., Washington, D. C., and _____, occupation _____, residing at _____ each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known Thomas Daly, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the District in which the above-entitled application is made for a period of more than 4 years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted a citizen of the United States.

GEORGE C. MONTGOMERY.

— — —

Subscribed and sworn to before me this 15th day of October, anno Domini 1908.

[Affix Seal.] [Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG,
Clerk Supreme Court of the District of Columbia.

4 Supreme Court of the District of Columbia.

NOVEMBER 24, 1908.

Naturalization, No. 165.

In re THOMAS DALY.

Now again comes the United States by its attorney and tenders to the Court here its bill of exceptions, taken at the hearing hereof, and prays that the same may be duly signed, sealed and made part of the record, now for then, which is accordingly done.

5 *Bill of Exceptions.*

Filed November 24, 1908.

In the Supreme Court of the District of Columbia.

No. 165, Naturalization.

UNITED STATES
vs.
THOMAS DALY, Defendant.

Be it remembered that the above entitled cause came on to be heard on the 2nd day of November, 1908, before Mr. Justice Job Barnard, Special Assistant U. S. Attorney, James A. Cobb, appearing on behalf of the United States and Thomas Daly in his own proper person.

That the petition of Thomas Daly, filed June 30, 1908, came on for final hearing in open Court, October 5, 1908, at the expiration of the ninety days prescribed by the Statute, at which time the petitioner, Thomas Daly, and his two witnesses, Patrick Tierney and John P. Buckley, were sworn and examined.

It was disclosed by the examination that Patrick Tierney, one of the petitioner's witnesses, had not known the petitioner the requisite number of years as required by the Statute, thereupon his, the petitioner's case was continued until the next hearing which was November 2nd, 1908, at which time the petitioner again appeared with two witnesses, John P. Buckley and George C. Montgomery, a witness substituted in lieu of Patrick Tierney, one of the original witnesses to the petition.

6 The witness, Montgomery, was then sworn and examined in open Court, after which the Government objected to the admission of the petitioner, Daly, to naturalization, on the ground that Montgomery was a substituted witness and his name had not been duly posted for ninety days, as required by the Statute. The objection, after argument, was overruled and exception noted and an appeal taken in open Court by the Government.

The exception herein stated, having been duly taken, allowed, settled and noted during the hearing, and before the petitioner was admitted to naturalization, the counsel for the United States present to the Court this their bill of exception and pray the Court to sign and seal the same and make the same a part of the record, according to the Statute in such case made and provided, and the same is accordingly done, now for then, this 24th day of November, A. D. 1908.

JOB BARNARD, *Justice*. [SEAL.]

7 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 6, both inclusive, to be a true and correct transcript of the record in the matter of the Naturalization of Thomas Daly, No. 165, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 27th day of November, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk*.

Endorsed on cover: District of Columbia supreme court. No. 1971. United States, appellant, vs. Thomas Daly. Court of Appeals, District of Columbia. Filed Nov. 30, 1908. Henry W. Hodges, clerk.